

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELDON N. WATSON, III )  
Plaintiff, ) Civil Action No. 05-0212  
v. ) Judge Joy Flowers Conti  
DR. LAWRENCE CONNELLY, )  
Individually, and as )  
Superintendent of the )  
Mercer Area School District; )  
DR. MICHELLE RHULE, )  
Individually, )  
and as Principal of the )  
Mercer Area Elementary )  
School; and MERCER AREA )  
SCHOOL DISTRICT )

## **MEMORANDUM ORDER**

On February 23, 2005 this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On October 24, 2006, the magistrate judge issued a Report and Recommendation (Doc.55) recommending that the District Court deny the Plaintiff's motion for partial summary judgment (Doc. 35), and that it deny, too, the Defendants' motion for summary judgment (Doc. 38). Service of the Report and Recommendation was made on all parties and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of November, 2006, IT IS HEREBY ORDERED that the parties' motions for summary judgment (Docs. 35 and 38) be denied. The Report and Recommendation of Magistrate Judge Caiazza dated October 24, 2006 (Doc. 55) is hereby adopted as the opinion of the court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Court Judge

cc:

Francis X. Caiazza  
U.S. Magistrate Judge

Brian Samuel Malkin, Esq.

John W. Smart, Esq.  
Todd P. Prugar, Esq.

Via Electronic Mail